IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 13TH FEBRUARY 2007 / 24TH MAGHA 1928

Crl.Rev.Pet.No. 634 of 2007()

CRA.595/2005 of ADDL.SESSIONS COURT,-I, MAVELIKKARA
CC.79/2004 of JUDL.MAGISTRATE OF FIRST CLASS-I, CHENGANNUR

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REVN. PETITIONER:

T.S. THANKAM NAIR,
MALLIYATHU PARVATHY MANDIRAM,
PAIPADU, PALLIKKACHIRA P.O.,
CHANGANACHERRY TALUK.

BY ADV. SRI.P.JACOB VARGHESE
SRI.V.MANOJ KUMAR
SRI.VARUGHESE M EASO
SRI.VIVEK VARGHESE P.J.

RESPONDENTS: COMPLAINANT & STATE:

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1. ARUN THOMAS, KANNATTU HOUSE,
PERISSERY, CHENGANNUR.

2. STATE OF KERALA, REP. BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY ADV. SRI. C.M. KAMMAPPU, PUBLIC PROSECUTOR

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 13/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J

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CRL. R.P. NO. 634 OF 2007

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Dated this the 13th day of February 2007

O R D E R

The revision petitioner is the accused in C.C. No. 79/04 in the file of Judicial First Class Magistrate Court, Chengannur with respect to the offence under section 138 of the Negotiable Instruments Act. He has found guilty and sentenced to undergo simple imprisonment for three months and to pay a compensation of Rs.2,00,000/- and in default to undergo simple imprisonment for one month vide section 357(3) Cr.P.C. The contention of the revision petitioner is that he has not borrowed the amount mentioned in the cheque and that in fact a blank cheque was issued. But no evidence was adduced in this regard. In the circumstances and in view of the fact that the courts below have concurrently found that the accused have committed offence, I find no ground for interference and the findings are affirmed.

2. All the same, considering the plea of the counsel for the revision petitioner the sentence is modified to imprisonment till

rising of the court and to pay compensation as ordered by the courts below. The revision petitioner is granted six months time from today to pay the amount of compensation. The accused shall appear before the court below on 14.08.2007 to receive sentence.

The Crl. R.P is disposed of accordingly.

K.R. UDAYABHANU, JUDGE.

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